

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN RE:

ALDEN H. ZUHLKE and
LISA A. ZUHLKE,

Debtors.

Case No. BK 24-40267-BSK
(Chapter 7)

APPLICATION TO EMPLOY CLINE
WILLIAMS WRIGHT JOHNSON &
OLDFATHER, LLP AS COUNSEL TO THE
CHAPTER 7 TRUSTEE TO PURSUE
AVOIDANCE ACTIONS

COMES NOW Philip M. Kelly, Chapter 7 Trustee for the bankruptcy estate of Alden H. Zuhlke and Lisa A. Zuhlke, and files this Application to employ Cline, Williams, Wright, Johnson & Oldfather L.L.P. ("Cline Williams") as counsel for the Chapter 7 Trustee (this "Application"). In support hereof, your Applicant shows to the Court as follows:

1. On March 27, 2024, Alden H. Zuhlke and Lisa A. Zuhlke (the "Debtors") filed a voluntary petition for relief under Chapter 12 of the Bankruptcy Code.
2. On June 25, 2024, the Debtors' case was converted to a case under Chapter 7 of the Bankruptcy Code.
3. Your Applicant has been appointed Trustee of the Debtors' Estate.
4. Prior to the petition date, Cline Williams was pursuing an avoidable transaction case against the Debtors and their children in the District Court of Antelope County, Nebraska on behalf of Rabo Agrifinance, LLC ("Rabo"). In connection therewith, Cline Williams has conducted discovery and is familiar with the claims and evidence in support of those claims.
5. Your Applicant wishes to employ Cline Williams to pursue avoidable transactions claims for the reasons that Cline Williams has considerable experience in such matters and because it is familiar with the evidence underlying such claims.

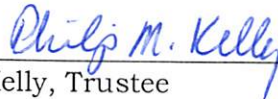
6. The professional services which Cline Williams will render include, but are not limited to, the prosecution of avoidable transactions claims against the Debtors and their family members.

7. Cline Williams will continue to seek compensation from Rabo for the avoidable transactions claims against the Debtors and their family members and Rabo shall seek reimbursement from any recovery made by the Estate on the avoidable transactions claims.

8. The employment of Cline Williams is in the best interests of the Estate.

9. The Declaration of Richard P. Garden, Jr. is submitted in support of this Application.

WHEREFORE, Philip M. Kelly, Chapter 7 Trustee, requests that the Court authorize him to employ Cline Williams to pursue the avoidable transactions claims, with its fees to be paid by Rabo Agrifinance, LLC which will be reimbursed by the estate.



Philip M. Kelly, Trustee
105 E. 16th Street, P.O. Box 419
Scottsbluff, NE 69363-0419
Telephone: (308) 632-7191
Email: pkelly@scottsblufflaw.com

CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2024, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which sent notification of said filing to all CM/ECF participants.

/s/ Philip M. Kelly, Trustee

Philip M. Kelly, Trustee

4855-3989-5245, v. 1

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN RE:

ALDEN H. ZUHLKE and
LISA A. ZUHLKE,

Debtors.

Case No. BK 24-40267-BSK
(Chapter 7)

DECLARATION IN SUPPORT OF
APPLICATION TO EMPLOY CLINE
WILLIAMS WRIGHT JOHNSON &
OLDFATHER, LLP AS COUNSEL TO THE
CHAPTER 7 TRUSTEE TO PURSUE
AVOIDANCE ACTIONS

COMES NOW Richard P. Garden, Jr. and states as follows in support of the Chapter 7 Trustee's application to employ Cline, Williams, Wright, Johnson & Oldfather L.L.P. ("Cline Williams") as counsel for the Chapter 7 Trustee (the "Application").

1. I am a partner in the law firm of Cline, Williams, Wright, Johnson & Oldfather L.L.P. ("Cline Williams"). I make this Declaration based upon my own personal knowledge.

2. Prior to the petition date herein, the Debtors transferred property to their adult children as more particularly described in the Declaration of Ryan Popwell filed at Doc. 37 herein (the "Avoidable Transactions").

3. Cline Williams represents Rabo Agrifinance LLC ("Rabo") in litigation pending in the District Court of Antelope County, Nebraska, Case No. CI 20-62 seeking to avoid Avoidable Transactions. Cline Williams also represents Rabo in this bankruptcy proceeding. To my knowledge and belief, Rabo is not adverse to the Chapter 7 Trustee.

4. Cline Williams has filed a proof of claim on behalf of Rabo as well as a motion for relief from stay. The motion for relief seeks relief to enforce Rabo's pre-petition judgment lien against certain real property owned by the Debtors; to enforce a pre-petition Charging Order entered by the District Court of Antelope County, Nebraska and to enforce Rabo's security interest in promissory notes payable to the Debtors.

5. Cline Williams has conducted written discovery in Case No. CI 20-62 and is familiar with the evidence surrounding the Avoidable Transactions.

6. To the best of my knowledge, and except as stated herein, neither Cline Williams nor any employee of Cline Williams represents an interest adverse to the Debtors or to the Estate.

7. Cline Williams has no connection with the Debtors, any creditor other than Rabo, or any other party-in-interest or their respective attorneys.

8. Cline Williams does not represent or hold an interest adverse to the Trustee or the Estate in the matters upon which it is to be engaged herein.

9. To the best of my knowledge, Cline Williams is a "disinterested person" as defined at 11 U.S.C. § 101(14).

10. Cline Williams will continue to seek compensation from Rabo at its standard hourly rates to prosecute the Avoidable Transactions claims against the Debtors and their family members.

11. The standard hourly rates of the Cline Williams professionals who will prosecute the Avoidable Transactions claims are as follows: Richard P. Garden, Jr.-\$425.00/hour; John V. Zimmer V.-\$325.00/hour; Diane M. Hilger-\$150.00/hour.

12. Rabo shall seek reimbursement for the fees it has paid to Cline Williams in connection with the prosecution of the Avoidable Transactions in this Court from any recoveries made by reason of such claims.

13. The employment of Cline Williams is in the best interest of the Estate.

I swear or affirm under penalty of perjury that the foregoing is true and correct.

Dated: July 9, 2024

Richard P. Garden, Jr.
Richard P., Garden, Jr.